



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 19, 2011

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For August, 2011.
(Requested By Commissioner Jorge R. Exposito)
- PA2 Certificates Of Recognition To Be Presented To Jean Joseph And Independent Living Community, Inc., Participant/Employer In UNIDAD's Senior Placement Program.
(Requested By Commissioner Jonah Wolfson)
- PA3 Proclamation To Be Presented To Calvary Chapel Miami Beach.
(Requested By Commissioner Jonah Wolfson)
- PA4 Key To The City To Be Presented To Joshua Robert Stutzman For His Military Service.
(Requested by Commissioner Jerry Libbin)
- PA5 Certificate Of Recognition To Be Presented To Sarah Moreno A Miami Beach Senior High Student For Her Work Helping Her Peers Aim For College.
(Requested By Commissioner Michael Góngora)
- PA6 Certificate Of Recognition To Be Presented To The Florida Green Home Design Group For Their Green Initiatives On The 2020 Alton Road Project.
(Requested By Commissioner Michael Góngora)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For Security Guard Services.
(Parking/Police/Procurement)

C2 - Competitive Bid Reports (Continued)

- C2B Request For Approval To Issue A Request For Qualifications (RFQ), Subject To The City's Partial Termination For Convenience Of CH2MHILL Agreement For The Right-Of-Way (ROW) Infrastructure Improvements Program Neighborhood No. 8 Bayshore And Sunset Islands Project (The Project); Said RFQ For The Preparation Of A Design Criteria Package, Which Is Intended To Be A Design-Build Contract; To Serve As The City's Representative During The Selection Of The Design-Build Firm For The Sunset Islands 3 & 4 Row Project, Concerning The Evaluation Of The Responses Submitted By The Design-Build Firms; Review And Approve For Compliance Of The Detailed Working Drawings For The Project; And For Evaluation Of The Compliance Of The Project Construction With The Design Criteria Package.

(Capital Improvement Projects)

C4 - Commission Committee Assignments

- C4A Referral To Planning Board - An Amendment To The Short Term Rentals Ordinance That Includes A Clause For Time Extensions.

(Requested by Commissioner Jorge R. Exposito And LUDC)

(Legislative Tracking: Planning Department)

- C4B Referral To Planning Board - The Height Regulation Exceptions Of The Land Development Regulations To Permit Small Rooftop Wind Turbines, Up To 10 Feet Above The Main Roofline.

(Requested by Edward L. Tobin And Land Use & Development Committee)

(Legislative Tracking: Planning Department)

- C4C Referral To Planning Board For Review And Comments – “Construction Parking Plan”, Establishing The Requirements For Construction Parking Plans.

(Requested by City Commission And Land Use & Development Committee)

(Legislative Tracking: Planning Department)

- C4D Referral To The Finance And Citywide Projects Committee A Discussion Pertaining To The Issuance Of A Request For Proposals (RFP) For Auditing Services For The City's Basic Financial Statements Included In The City's Comprehensive Annual Financial Report (CAFR), Federal Grant Programs And State Projects (OMB A-133 Single Audit), The Miami Beach Redevelopment Agency's Basic Financial Statements (RDA), The Parking Systems Fund's (PSF) Financial Statements, The Miami Beach Visitor And Convention Authority's (VCA) Financial Statements, The Miami Beach Convention Center, As Managed By Global Spectrum, Financial Statements, The Children's Trust Program, The Building Better Communities Bonds Program, And The Safe Neighborhood Parks And Bond Program (SNP).

(Finance Department)

- C4E Referral To The Neighborhoods/Community Affairs Committee - Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace.

(Requested by Commissioner Jorge R. Exposito)

C4 - Commission Committee Assignments (Continued)

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding An Ordinance Amending City Code To Comply With The New State Law Preempting The Regulation Of The Firearms To The State Of Florida.
(Requested by Commissioner Jerry Libbin)
- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road.
(Requested by Commissioner Jerry Libbin)
- C4H Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Ongoing Store Front Damages And Graffiti Issues On Washington Avenue.
(Requested by Commissioner Michael Góngora)
- C4I Referral To Land Use And Development Committee - Discussion Of The RM3 Regulations Concerning Attached And Detached Additions To Buildings In The Architectural District.
(Requested by Vice-Mayor Edward L. Tobin)
- C4J Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone.
(Requested by Mayor Matti Herrera Bower)

C6 - Commission Committee Reports

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On September 12, 2011: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Discussion. **4)** Presentations: **4a)** Cooperation Between Residents And Project Team On Sunset Islands I & II; **4b)** Bandshell Park Ribbon-Cutting. **5)** Public Comments. **6)** Old Business/Requested Reports: **6a)** Status Report: Normandy Isle Neighborhood; **6b)** Status Report: Sunset Island I & II; **6c)** Status Report: Sunset Island III & IV; **6d)** Status Report: Palm & Hibiscus Island Undergrounding; **6e)** Status Report: Lower North Bay Road; **6f)** Status Report: Venetian Island; **6g)** Status Report: Flamingo Park Project; **6h)** Status On The Stormwater Master Plan.
- C6B Report Of The Land Use And Development Committee Meeting On September 21, 2011: **1)** Short-Term Rental Ordinance Enforcement. **2)** Discussion On Including A Clause For Exceptions In The Short Term Rentals Ordinance. **3)** An Ordinance Amending Chapter 14 "Building Regulations" Of The City Of Miami Beach Code Of Ordinances, By Adding Section 14-72 To Be Titled "Construction Parking Plan", Establishing The Requirements For Construction Parking Plans; Amending Appendix A By Creating A Construction Parking Plan Review Fee. **4)** Discussion On The Parking Requirement And How We Can Incentivize For Good Hotel Development. **5)** Discussion On The De-Intensification Of The I-1 Light Industrial District. **6)** Discuss Amending The Height Regulation Exceptions Of The Land Development Regulations To Permit Small Rooftop Wind Turbines, Up To 10 Feet Above The Main Roofline. **7)** Discussion On Artificial Grass At Hotels And Homes And The Planning Department Procedure For Approving Same.

C6 - Commission Committee Reports (Continued)

- C6C Report Of The Finance And Citywide Projects Meeting On September 26, 2011: **1)** Follow up: Discussion Regarding The Miami Beach Festival Of The Arts And Potentially Contracting With A Professional Art Festival Company To Produce The Festival For The City. **2)** Discussion Regarding A Proposed Ordinance On Ethics Guidelines For Acceptance Of Gifts, Favors, Or Services By City Employees. **3)** Discussion Regarding Security Alliance. **4)** Discussion Regarding A Proposed Modification Of The Promissory Note Dated February 5, 2007, From MBCDC Meridian Place LLC, A Florida Limited Liability Corporation, To The Miami Beach Redevelopment Agency, And To Discuss A Subordination Of The City's Mortgages In Favor Of A Mortgage Being Made To MBCDC By Bank United. **5)** Discussion Regarding The Proposed Inter-Local Agreement Between Miami-Dade County And The City Of Miami Beach For The Provision Of A Bi-Directional Transit Circulator Route Service Known As The "South Beach Local." **6)** Discussion Pertaining To The Issuance Of The Request For Proposals (RFP) For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo Park And North Shore Tennis Centers. **7)** Discussion Regarding Authorizing The City Manager To Negotiate And Enter Into Temporary Licensing-Use Agreements With Contractors Requiring The Use Of City-Owned Property For The Purpose Of Staging And/Or Storage Of Construction Equipment In Connection With City Or Privately Funded Construction Projects. **8)** Discussion Concerning City Fees And Charges For Gay Pride 2012. **9)** Discussion Regarding Reducing The Bills Penalty From 10% To 5%. **10)** Discussion Regarding The Catering And Concession Agreements For The Miami Beach Convention Center. **11)** Discussion Pertaining To Providing Outdoor Seating On City-Owned Space Adjacent To Cinematheque Theater At Historic City Hall. **12)** Discussion Regarding Possible Refunding Of General Obligation Bonds Of Series 2000. **13)** Discussion Authorizing The City To Enter Into An Energy Audit And Permitting Agreement With Ameresco To Provide A Detailed Engineering Study And Energy Savings Calculations With Guaranteed Payback Related To The Feasibility Of Construction And Operation Of A Water Reclamation Plant For The Irrigation Of The Miami Beach Golf Course. **14)** Discussion Regarding Amendments To The Recycling Ordinance.
- C6D Report Of The Neighborhoods/Community Affairs Committee Meeting On September 1, 2011: **1)** Status Report Of Sunrise Plaza, **2)** Discussion Regarding The Interim Traffic Calming Plan For La Gorce And Pinetree Drives, **3)** Discussion Regarding An Ordinance Amending Chapter 2, Article III, Division 26, Sections 2-190.107 And Section 2-190.110 Of The City Code, Establishing The City's Community Development Advisory Committee, To Amend The City Affiliation Requirements For Membership On The Community Development Advisory Committee; Providing For Repealer, Severability, And Effective Date.

C6 - Commission Committee Reports (Continued)

- C6E Report Of The Neighborhoods/Community Affairs Committee Meeting On October 6, 2011: **1)** Discussion Regarding Banning Or Restricting Smoking On Some Or All Of The City's Beaches, **2)** Progress Report Regarding The Lack Of Accessibility Of The City's Website To The Disabled, **3)** Discussion Of Viability Of Storing City Towed Vehicles On Terminal Island, **4)** Discussion Regarding An Ordinance Amending Procedures To Provide Local Preference To Miami Beach-Based Vendors In The Award Of Contracts For Goods And General Services, By Amending Chapter 2 Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Amending Section 2-372 Thereof; Providing For Codification, Repealer, Severability, And An Effective Date. Discussion To Also Include Giving Preference In The Renewal Of Contracts To Companies That Hire Miami Beach Residents, **5)** Discussion Regarding An Ordinance Implementing Procedures To Provide A Vendor Preference In The Award Of Contracts For Goods And Contractual Services, To Florida Small Businesses Owned And Controlled By Veterans And To State-Certified Service-Disabled Veteran Business Enterprises By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled, "Administration," By Amending Article VI Thereof Entitled, "Procurement," By Amending Division 3 Entitled, "Contract Procedures," By Creating Section 2-374; Providing For Codification, Repealer, Severability, And An Effective Date, **6)** Discussion Regarding Changes Made To The Disability Access Committee.

(Memorandum to be Submitted in Supplemental)

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Miami-Dade County Homeless Trust For Funding In The Approximate Amount Of \$64,000 For The City's Homeless Outreach Program; 2) Miami-Dade County Homeless Trust For Funding From The Hotel/Motel And Homeless Management Information System (HMIS) Programs In An Approximate Amount Of \$63,000 For The City's Homeless Outreach Program; 3) Miami-Dade County Homeless Trust For Funding In The Approximate Amount Of \$50,000 For Identification Assistance Services For Homeless Individuals And Families; 4) U.S. Department Of Transportation, Tiger (Transportation Investment Generating Economic Recovery) Program For Funding In The Approximate Amount Of \$10 Million For The Middle Beach Recreational Corridor; 5) Us Department Of Homeland Security For Funding In The Approximate Amount Of \$350,000 For The Urban Area Security Initiative (UASI) Program; 6) State Of Florida, Division Of Historical Resources, Small Matching Grant Program For Funding In The Approximate Of \$10,000 For Funds To Prepare Design Guidelines For MiMo Buildings; 7) The National Trust For Historic Preservation Modernism + Recent Past Grant Program For Funding In The Approximate Amount Of \$7,000 For The Planning Department's Research And Design Program; And Approval To Execute Documents For A Grant Renewal To: 8) The Children's Trust For Funding In The Approximate Amount Of \$215,000 For The City's Service Partnership (Success University) Program; Appropriating The Above Grants, Matching Funds And City Expenses Related To The Above Projects As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.

(Budget & Performance Improvement)

C7 - Resolutions (Continued)

- C7B A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Execute A Federally Funded Subgrant Agreement, On Behalf Of Mount Sinai Medical Center Of Florida, Inc., (Mount Sinai), With The State Of Florida, Division Of Emergency Management (DEM), For Federal Funding From The U.S. Department Of Homeland Security, Federal Emergency Management Agency (FEMA), In An Amount Not To Exceed \$750,000, For The Installation Of A Generator, Fuel Tank, And Transfer Switches At Mount Sinai's Gumenick Ambulatory Surgical Center, With The Aforestated Scope Of Work To Be Undertaken And Completed By Mount Sinai; Further Authorizing The City Manager To Negotiate And Execute A Memorandum Of Understanding Between The City And Mount Sinai, Whereby Mount Sinai Agrees To Be Solely And Completely Responsible For Prosecuting And Completing The Aforestated Scope Of Work In Accordance With The Terms And Conditions Of The Subgrant Agreement (As If It Were A Party Thereto), And Whereby Mount Sinai Further Agrees To Indemnify And Hold The City Harmless From Any Liability Under The Subgrant Agreement.

(Budget & Performance Improvement)

- C7C A Resolution Accepting The Recommendation Of The City Manager, Pursuant to Request For Qualifications (RFQ) No. 30-10/11, For A Constructability, Cost, And Value Engineering Services; Authorizing The Administration To Enter Into Negotiations With The Four Top-Ranked Firms, Atkins North America, Inc. (Formerly PBS&J), Construction Management Services, Inc., Craven Thompson & Associates, Inc., And U.S. Cost, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Successful Completion Of Negotiations By The Administration.

(Capital Improvement Projects/Procurement)

- C7D A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 36-10/11, For Resident Project Representative Service For Right-Of-Way Improvements To Neighborhood No. 8 Bayshore (Package E) – Sunset Islands I & II; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Calvin, Giordano & Associates, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Schwebke-Shiskin & Associates, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, Target Engineering Group, Inc.

(Capital Improvement Projects/Procurement)

- C7E A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 40-10/11, For A Construction Manager At Risk Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The 6th And 53rd Street Restrooms Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Thornton Construction Company, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, D. Stephenson Construction, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Pre-Construction Services.

(Capital Improvement Projects/Procurement)

C7 - Resolutions (Continued)

- C7F A Resolution Rejecting All Bids Received Pursuant To Invitation To Bid (ITB) No. 39-10/11, Right-Of-Way Infrastructure Improvement Program - Venetian Islands Bid Package 13C, And Authorizing The Administration To Issue A New Bid For Said Project.
(Capital Improvement Projects/Procurement)
(Memorandum to be Submitted in Supplemental)
- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Consent To Assignment And First Amendment To Job Order Contract (JOC) No. 22-08/09, Between The City And Gerrits Construction, Inc., Which Provides For Gerrits To Assign The JOC Contract To Coastland Construction, Inc.
(Capital Improvement Projects/Procurement)
- C7H A Resolution Authorizing The Mayor And City Clerk To Execute A Joinder To The Declaration Of Restrictive Covenant Between AR&J SOBE, LLC. And Miami-Dade County, Related To Completion Of The Brownfield Site Remediation Activities.
(Economic Development)
- C7I A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of Proposers, Pursuant To Request For Proposals (RFP) No. 18-10/11 To Provide Electric Vehicle Charging Stations For The City's Parking Facilities; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Car Charging Group, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of IBI Group, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.
(Parking Department)
- C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement Between The City And The Hertz Corporation, As The Successful Proposer Pursuant To Request For Proposals No. 42-07/08, For The Implementation, Management, And Operation Of A Shared Car Service Program; Said Agreement Having An Initial Term Of Five (5) Years, With A Five (5) Year Renewal Term, To Be Exercised At The City's Sole Option And Discretion.
(Parking Department)
- C7K A Resolution Retroactively Authorizing The Acceptance Of \$20,154 In Cash Donations Made To The City To Support The Parks And Recreation Department's Under 15 Traveling Soccer Team, To Defray The Team's Travel Expenses To Decatur, Alabama On June 10-12, 2011, For The Regional Youth Soccer President's Cup Championship, And To Des Moines, Iowa, On July 7-10, 2011, For The National Youth Soccer President's Cup Championship; And Further Appropriating Such Funds For The Payment Of Expenses Into Account No. 011-0950-000353.
(Parks & Recreation)

C7 - Resolutions (Continued)

- C7L Turf And Landscape Maintenance Services On MacArthur Causeway And Julia Tuttle Causeway
1. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Memorandum Of Agreement (MOA) With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-395 (MacArthur Causeway), From The East Side Of Watson Island To The West Side Of East Channel Bridge, At An Annual Cost Of \$40,000 To Be Paid To The City By FDOT; Said Agreement Commencing On November 1, 2011, And Concluding On October 31, 2012, With An Option To Renew For Two (2) Additional Years.
 2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Memorandum Of Agreement (MOA) With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-195 (Julia Tuttle Causeway), From The East Of The Intracoastal Bridge, To Alton Road, At An Annual Cost Of \$260,000, To Be Paid To The City By FDOT; Said Agreement Commencing On November 10, 2011, And Concluding On November 9, 2012, With An Option To Renew For Two Additional Years.
(Parks & Recreation)
- C7M Use Of Legal Nonconforming Commercial Building In Single-Family Districts
A Resolution Setting A First Reading Public Hearing To Consider Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article IX, "Nonconformances," Section 118-393 "Nonconforming Use Of Buildings;" And Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single Family Residential Districts," To Permit An Existing Legal Nonconforming Commercial Building To Be Used As A Child Care Center Or School As A Conditional Use.
(Planning Department)
- C7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 19-10/11, For The Expansion Of The City's E-Procurement System Of Solicitation Announcements And Document Fulfillment Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, The Public Group, LLC; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, RFP Depot LLC D/B/A BIDSYNC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement)
- C7O A Resolution Approving And Authorizing The City Manager And City Clerk To Execute A License Agreement With Environmental Systems Research Institute Inc (ESRI) For The Geographic Information System (GIS); Said Agreement Having A Term Of Three (3) Years, Effective December 7, 2011, Through December 7, 2014, At An Annual Cost Of \$50,000.
(Public Works/Procurement)
- C7P A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between Miami-Dade County And The City Of Miami Beach For The Continued Provision Of A Bi-Directional Transit Circulator Route Service Known As The "South Beach Local".
(Public Works)

C7 - Resolutions (Continued)

- C7Q A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light At The Fire Station 2 (Building "A" Administration Building) For The Installation And Maintenance Of A Conduit And A Transformer That Will Serve Building.
(Public Works)
- C7R A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light At The Sunset Harbor Parking Garage And Retail Project For The Installation And Maintenance Of Underground Conduit That Will Serve Building.
(Public Works)
- C7S A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 44-10/11, For The Operation Of Snack Vending Machine Concessions At Various City-Owned Properties And Facilities; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Bettoli Trading Corp D/B/A Bettoli Vending; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Apex Vending Inc.; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.
(Real Estate, Housing & Community Development/Procurement)
- C7T A Resolution Authorizing The Acceptance Of A Donated Green Buttonwood Tree From The Betsy Hotel; Said Donation Made To The City In Support Of The Yoko Ono Wish Tree Project; Further Authorizing The City Manager Or His Designee To Install Said Tree, With A Commemorative Plaque, In Lummus Park, At 14th Street.
(Tourism & Cultural Development)
- C7U A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And Strategic Advisory Group (SAG) Consulting Services Relative To The Expansion And Enhancement Of The Miami Beach Convention Center Campus/District, Pursuant To Request For Proposals (RFP) No 33-10/11 In An Amount Not To Exceed \$175,000, Including All Reimbursable Expenses.
(Tourism & Cultural Development)

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

- R5A Amendments To The Roofing Material Ordinance
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Section 142-875 "Roof Replacements" To Modify And Expand The Requirements For Roofing Materials In All Districts; Providing For Repealer, Codification, Severability And An Effective Date. **10:15 a.m. Second Reading Public Hearing**
(Requested by City Commission)
(Legislative Tracking: Planning Department)
(First Reading on September 14, 2011)
- R5B Stay Of Work And Proceedings On Appeal
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-137, "Stay Of Work And Proceedings On Appeal," Clarifying And Amending The Stay Provisions Applicable To Matters On Appeal To The Board Of Adjustment; Providing For Repealer; Codification; Severability And An Effective Date. **10:20 a.m. Second Reading Public Hearing**
(Requested by Commissioners Edward L. Tobin, Jerry Libbin & Michael Góngora)
(Legislative Tracking: Planning Department)
(First Reading on July 13, 2011)
- R5C An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited" By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Until January 1, 2012 And By Adding Two (2) Hours In The Evening From 5:00 P.M. To 7:00 P.M. On Monday Through Friday; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**
(Requested by Commissioner Jonah Wolfson)
(Legislative Tracking: Parks & Recreation)
(First Reading on September 14, 2011)

R5 - Ordinances (Continued)

- R5D Minimum Unit Size And Parking Requirements For Affordable Housing Projects
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 130 "Off-Street Parking," Section 130-32 "Off-Street Parking Requirements For Parking District No. 1," And Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3, And 4," By Adding Parking Requirements For Housing For Low And/Or Moderate Income Non-Elderly Persons; Chapter 142 "Zoning Districts And Regulations," By Amending Article IV. "Supplementary District Regulations," By Amending Division 6. "Housing For Low And/Or Moderate Income Elderly Persons," By Including Non-Elderly Persons In The Regulations; Amending Section. 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3. "Residential Multifamily Districts," Subdivision II. "RM-1 Residential Multifamily Low Intensity," Subdivision IV. "RM-2 Residential Multifamily, Medium Intensity," Subdivision V. "RM-3 Residential Multifamily, High Intensity," Division 4. "CD-1 Commercial, Low Intensity District," Division 5. "CD-2 Commercial, Medium Intensity District," Division 6. "CD-3 Commercial, High Intensity District," And Division 18. "PS Performance Standard District," By Including References To Division 6. "Housing For Low And/Or Moderate Income Non-Elderly And Elderly Persons." Providing For Repealer, Severability, Codification And An Effective Date. **10:30 a.m. Second Reading Public Hearing**
(Requested by Land Use and Development Committee)
(Legislative Tracking: Planning Department)
(First Reading on September 14, 2011)
- R5E Recycling Ordinance
An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Collector Liability, A "Red Tag" Noticing System, Penalties, And Special Master Appeal Procedures; Providing For Repealer, Severability, Codification, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**
(Requested by Commissioner Jonah Wolfson)
(Legislative Tracking: Public Works)
(First Reading on July 13, 2011/Referred to FCWP)
- R5F An Ordinance Deleting Section 2-27 Of The Miami Beach Code, Entitled "Commission Committee Draft Minutes - City Commission Approval;" Creating A New Section 2-13 Of The City Code, Entitled "Commission Committee Draft Minutes - City Commission Approval;" Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**
(Requested by Commissioner Edward L. Tobin)
(Legislative Tracking: City Attorney's Office)

R5 - Ordinances (Continued)

- R5G An Ordinance Amending Chapter 2, Article III, Division 26, Sections 2-190.107 And 2-190.110 Of The City Code, Establishing The City's Community Development Advisory Committee, To Amend The City Affiliation Requirements For Membership On The Community Development Advisory Committee; Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**
(Requested by Commissioner Deede Weithorn)
(Legislative Tracking: Real Estate, Housing & Community Development)

R7 - Resolutions

- R7A A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On October 19, 2011, Until The First Regularly Scheduled Commission Meeting On December 14, 2011, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On December 14, 2011. **Joint City Commission And Redevelopment Agency**
(Procurement)
- R7B A Resolution Granting A Revocable Permit For Comco LLC, Owner Of The Property Located At 701 Lincoln Road, For A Proposed Fixed Canopy That Extends Approximately Six Feet One Inch (6'-1") Over And Into The Public Right Of Way On Lincoln Road Mall. **10:45 a.m. Public Hearing**
(Public Works)
- R7C A Resolution Granting A Revocable Permit For 420 Lincoln Road Development Group Inc, Owner Of Lincoln East Garage Located At 420 Lincoln Road, For The Proposed Mid-Tensioned, Removable HPDE Metal Mesh That Extends Approximately Five Feet Six Inches (5'-6") Over And Into The Public Right Of Way On 16th Street And Drexel Avenue. **10:50 a.m. Public Hearing**
(Public Works)

R7 - Resolutions (Continued)

- R7D A Resolution Authorizing The Issuance Of (I) Not To Exceed \$54,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Stormwater Revenue Bonds, Series 2011A, For The Principal Purpose Of Paying The Cost Of Certain Improvements To The Stormwater Utility, Pursuant To Section 209 Of Resolution No. 2000-24127 Adopted By The City On October 18, 2000, And (II) Not To Exceed \$28,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Stormwater Revenue Refunding Bonds, Series 2011B, For The Principal Purpose Of Refunding All Or A Portion Of The City's Outstanding Stormwater Revenue Bonds, Series 2000, Pursuant To Section 210 Of Said Resolution No. 2000-24127; Providing That Said Series 2011 Bonds And Interest Thereon Shall Be Payable Solely As Provided In Said Resolution No. 2000-24127; Providing Certain Details Of The Series 2011 Bonds; Delegating Other Details And Matters In Connection With The Issuance Of The Series 2011 Bonds And The Refunding Of The Bonds To Be Refunded To The Mayor, Within The Limitations And Restrictions Stated Herein; Appointing Underwriters, A Bond Registrar, An Escrow Agent And A Disclosure Dissemination Agent; Authorizing The Negotiated Sale Of The Series 2011 Bonds And Approving The Form Of And Authorizing The Execution Of A Bond Purchase Agreement; Authorizing And Directing The Bond Registrar To Authenticate And Deliver The Series 2011 Bonds; Approving The Form Of And Distribution Of A Preliminary Official Statement And An Official Statement And Authorizing The Execution Of The Official Statement; Providing For The Application Of The Proceeds Of The Series 2011 Bonds And Creating Certain Funds, Accounts And Subaccounts; Authorizing A Book-Entry Registration System With Respect To The Series 2011 Bonds; Authorizing The Refunding, Defeasance And Redemption Of The Bonds To Be Refunded And Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement; Covenanting To Provide Continuing Disclosure In Connection With The Series 2011 Bonds And Approving The Form Of And Authorizing The Execution And Delivery Of A Continuing Disclosure Agreement; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date. **11:00 a.m. Second Public Hearing**

(Finance Department)

(First Public Hearing on September 27, 2011)

R7 - Resolutions (Continued)

- R7E A Resolution Authorizing The Issuance Of Not To Exceed \$67,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida General Obligation Refunding Bonds, Series 2011, For The Purpose Of Refunding All Or A Portion Of The City's Outstanding Series 2000 General Obligation Bonds And/Or All Or A Portion Of The City's Outstanding General Obligation Bonds, Series 2003; Providing That Such General Obligation Refunding Bonds Shall Constitute General Obligations Of The City And That The Full Faith, Credit And Taxing Power Of The City Shall Be Irrevocably Pledged For The Payment Of The Principal Of And The Interest On Such General Obligation Refunding Bonds; Making Certain Covenants And Agreements In Connection Therewith; Providing Certain Details Of The Bonds; Delegating Certain Matters In Connection With The Issuance Of The Bonds To The Mayor; Authorizing The Negotiated Sale Of The Bonds To The Underwriters; Approving The Form Of And Authorizing The Execution And Delivery Of A Bond Purchase Agreement; Authorizing The Refunding, Defeasance, Prepayment And Redemption, As Applicable, Of The Refunded Bonds; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Appointing A Paying Agent And A Bond Registrar; Providing For A Preliminary Official Statement And Authorizing The Execution Of An Official Statement; Covenanting To Provide Continuing Disclosure In Connection With The Bonds In Accordance With Securities And Exchange Commission Rule 15C2-12 And Approving The Form Of And Authorizing The Execution And Delivery Of A Disclosure Dissemination Agent Agreement With Respect Thereto And Appointing A Disclosure Dissemination Agent Thereunder; Approving The Form Of And Authorizing The Execution And Delivery Of Gulf Breeze Loan Amendments; Authorizing A Book-Entry Registration System For The Bonds; Authorizing Certain Officials And Employees Of The City To Take All Actions Required In Connection With The Issuance Of Said Bonds; And Providing An Effective Date.

(Finance Department)

- R7F A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 41-10/11, For A Construction Manager At Risk Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The Par 3 Golf Course Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of QGS Development, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The Weitz Company; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm, Ryangolf Corporation.

(Capital Improvement Projects/Procurement)

(Related to R9G)

(Memorandum to be Submitted in Supplemental)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page)
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page)
(City Clerk's Office)
- R9A2 Nomination Of Brian Ehrlich To The Capital Improvement Oversight Committee For The (C3)
Developer Chair.
(Requested by Commissioner Jorge R. Exposito)
- R9A3 Appointment Of Peter Chevalier For Commissioner To The Housing Authority.
(Requested by Mayor Matti Herrera Bower)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.) (Page)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding The Renovation Of The Flamingo Park Youth Softball (And Soccer) Field
Restroom/Flamingo Park Master Plan.
(Requested By Vice-Mayor Edward L. Tobin)
(Deferred from September 14, 2011)
- R9D Discussion Regarding An Ordinance Which Prohibits Docking On City Owned Property, Specifically
Seawalls.
(Requested by Commissioner Deede Weithorn)
- R9E Discussion Regarding A Resolution Adding LGBT Issues As A Non-Priority Issue On The City's
Tallahassee Lobbying Agenda.
(Requested by Commissioner Deede Weithorn)
- R9F Discussion Regarding Police Chief Recruitment.
(Requested by Vice-Mayor Edward L. Tobin)
- R9G Discussion On A Settlement Agreement With The Bayshore Homeowners Association Concerning
The Par 3.
(City Attorney's Office)
(Related to R7F)
(Memorandum to be Submitted in Supplemental)
- R9H Discussion Regarding Resident Energy Efficiency Program.
(Requested by Commissioner Jorge R. Exposito)

R9 - New Business and Commission Requests (Continued)

- R9I Discussion Regarding Approving The Establishment Of Ashtrays On The Beach To Create Designated Smoking Areas.
(Requested by Commissioner Jerry Libbin)
- R9J Discussion And Referral To The Finance And Citywide Projects Committee - The Issue That The Sustainability Committee Has Passed Several Resolutions That Are In Favor Of Establishing New Recycling Bins Throughout The ROW On The Beach, But Funding Continue To Be An Issue.
(Requested by Commissioner Michael Góngora)
- R9K Discussion Regarding The Ameresco Water Project.
(Requested by Vice-Mayor Edward L. Tobin)
- R9L Discussion Regarding The Closing Of Publix At 6876 Collins Avenue.
(Requested by Vice-Mayor Edward L. Tobin)

R10 - City Attorney Reports

- R10A Attorney-Client Session
Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

Museum Walk Apartments V. City Of Miami Beach, Eleventh Judicial Circuit Of Florida, Appellate Jurisdiction, Case Nos. 11-058-061; 068-074; 076-084; 086-087; And 115-124

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On October 19, 2011 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Litigation Strategy With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Vice- Mayor Edward Tobin, Jorge R. Exposito, Michael Góngora, Jerry Libbin, Deede Weithorn And Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorney Rhonda Montoya Hasan, First Assistant City Attorney Steven Rothstein And Senior Assistant City Attorney Aleksandr Boksner.

Reports and Informational Items

Reports and Informational Items (see LTC #255-2011)

End of Regular Agenda

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 19, 2011**

Chairperson of the Board Matti Herrera Bower

Member of the Board Jorge Exposito

Member of the Board Michael Góngora

Member of the Board Jerry Libbin

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez

Assistant Director Jorge Gomez

General Counsel Jose Smith

Secretary Robert E. Parcher

AGENDA

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Authorizing The Executive Director, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last RDA Meeting On October 19, 2011, Until The First Regularly Scheduled RDA Meeting On December 14, 2011, Subject To Ratification By The RDA At Its First Regularly Scheduled Meeting On December 14, 2011.
(Procurement)

End of RDA Agenda